**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 171 (M/S) of 2002**

1. Vipin Kumar S/o Sri Gajveer Singh
   R/o Dakra Bazar, Gari Cant,
   Dehradun.
2. Smt. Damyanti Ved, W/o Sri Chandra Prakash Ved,
   D/o Sri Gajveer Singh, R/o 3, Savek Ashram Road,
   Dehradun. ……..Petitioner.

Versus

Sri Madhu Sudan Agarwal, S/o Late Ratan Lal Agarwal, R/o 486, Dakra Bazar, Dehradun. ……Respondents

***24.04.2006***

***Sri B.P. Nautiayl, learned counsel for the petitioners,***
***Sri Rajendra Dobhabl, Learned Counsel for the respondent.***

**Hon'ble Rajesh Tandon, J.**

Heard Sri B.P. Nautiyal, Counsel for the petitioners and Sri Rajendra Dobhal, Learned Counsel for the respondent.

By the present writ petition, the petitioners has prayed for a writ of certiorari quashing the order dated 21.03.2002.

Briefly stated according the case of the petitioners, they are the tenants of the disputed property. On 17.07.98 one Sri Devraj moved an application with the allegation that the petitioner no. 1 has constructed at 265-K Dakra Bazar, Dehradun and has applied for the allotment of the disputed shop. The RC& EO has inspected and found that petitioner is carrying a tailoring shop. The RC&EO has invited objections from the parties. Petitioner has filed the objections. On 21.03.2002, RC & EO has declared the vacancy.

Counsel for the petitioners has submitted that the shop in question can not be declared vacant under section 12 of U.P. act, 13 of 1972. Petitioners have challenged the order of vacancy by way of present writ petition.

However, it will open for petitioner to challenge the vacancy when final order is passed under section 16 of the U.P. act 13 of 1972.

In view of the above, writ petition is disposed of at this stage. No order as to costs.

**(Rajesh Tandon, J,)**

24.04.2006
***Jain***